



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: July 16, 2012

SHERIFF'S LETTER

CASE #: 201204660 **SR#:** 85221

SERVE:

The Church of the Good Shepherd, (United Methodist)
William C. Wheeler, Trustee
Leslie C. Raiford, Trustee
Richard D. Albertson, Trustee
John W. Wilson, Trustee
Ray Peterson, Trustee
James W. King, Trustee
Davis Gillis, Trustee
Bruce Butler, Jr, Trustee
Phillip Jefferson Place, Trustee
2351 Hunter Mill Road
Fairfax, VA 22181

**LOCATION
OF VIOLATION**

2351 Hunter Mill Road
Vienna, VA 22181-0000
Tax Map #: 37-2 ((1)) 26A
Zoning District: R-E

Dear Responsible Party:

An inspection of the above referenced property on July 3, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-302 (9) Sign Not Permitted
§ 12-104 (6) Prohibited Sign

The inspection revealed that you have installed or have allowed the installation of an LED sign which uses changeable copy on the above referenced property. This changeable copy LED sign advertises on its own screen, "WELCOME, Come on in and beat the heat..., Also visit us at goodshepherdva.com, Practicing the Presence Thurs., July 5, 1 p.m." It is noted that the screens

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changed more than twice in a twenty-four (24) hour period.

The purpose of Article 12 of the Zoning Ordinance is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of this Ordinance.

Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use. A sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
- Is visible from the public right-of-way or from adjoining property.

It has been the longstanding policy of the Zoning Administrator that any moving (changeable) copy sign other than signs displaying time, temperature, weather or environmental conditions, shall be allowed to change messages a maximum of 2 times within a 24 hour period.

A review of County records indicates that Sign Permit 113540415 was issued and approved on January 13, 2012, for a LED sign which uses a changeable copy. It is noted that this Sign Permit stated that the sign changeable copy can change only 2 times in a 24 hour period.

This changeable copy LED sign is considered a prohibited sign and is prohibited in any zoning district and in any area of the County. This requirement is detailed in Par. 6 of Sect. 12-104 of the Zoning Ordinance which specifies that:

The following signs are prohibited in any zoning district and in any area of the County. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of Sect. 103 above.

- 6.) Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color or moving copy. This prohibition shall not apply to signs which display time, temperature, weather or environmental conditions, but only when the sign does not constitute a public safety or traffic hazard as determined by the Zoning Administrator.

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This changeable copy LED sign is not permitted in accordance with Par. 6 of Sect. 12-104 of the Zoning Ordinance. Therefore the display of this sign is a violation of Par. 9 of Sect. 2-302 which requires that:

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the changeable copy LED sign from property, or
- Limiting, on a permanent basis, the changeable copy LED sign to change messages a maximum of 2 times within a 24 hour period.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia.

This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-5031 or (703)324-1300.

Sincerely,



Gabriel Zakkak
Code Compliance Investigator